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giving. The publishing department distributes free, but for propaganda and popular education, and supposedly on a plan carefully worked out. But the Document Office should be the one centralized agency for sale and—to libraries only—for gifts.

The need for a copy of a pending bill for

use by the debating team or others has been voiced by librarians of schools and colleges many times. It would seem that the proposed plan to supply this need, with its limitations, should not be too much of a burden even for the overworked Document Office.

COMMENTS ON LIBRARY LEGISLATION

BY WILLIAM H. BRETT, *Librarian, Cleveland Public Library*

The library work of the country is carried on by authority of the state. The reason for this is obviously found in the federal constitution. When the thirteen commonwealths by courage, endurance, some good luck, and some aid from outside, had achieved their independence, they united to form the federal Union, surrendering to the central government certain powers, and naturally retaining those which were not surrendered, among these being the right and duty of educating the people. Consequently, all educational work carried on by direct taxation and being in any degree compulsory is carried on by authority of the state. While the state government does certain things directly affecting and benefiting the whole state, the greater part of the library work of the country is local, being established for the benefit and carried on largely at the expense of various geographical units, the principal ones being the county, the municipality and the school district, and occasionally the township. The distinction between municipality and city school district is, however, not one of territory, but of organization, the same people being in one case organized for political and business purposes, and in the other for educational purposes.

In many states, the laws provide also for a coöperation between these various library districts, as permitting a municipality to coöperate with the surrounding township or with adjoining townships; permitting two or more townships to coöperate; per-

mitting the extension of municipal or county; or even permitting adjoining school-district libraries throughout the counties to coöperate.

Most public libraries of the country belong to one of three important divisions, although there are other variations. These divisions are, the municipal library, the school-district library, and the association library or proprietary library, which is subsidized by the library district in which it stands and is made a free public library. This latter class includes libraries belonging to a great variety of associations, some of them being formed for other purposes as well as merely for the organization of the library. A fourth division, the county library, is of recent years becoming very much more important, though not yet nearly as numerous as the other classes.

As I have already indicated, the municipal and the school-district library are usually alternatives, the school-district library usually including the same territory, so that it is simply a question as to whether the people of a certain town or city will maintain their library through their organization as a city or through their organization as a school district.

There is a great amount of library legislation in the statute books of the various states relating to all of these and other classes of libraries, enough to fill many volumes. The principal subjects of legislation are, the government of libraries, their initiation and organization, the acquisition of library property, both real and personal,

and the continuing support of libraries. Most of the library laws fall under one or the other of these heads. The government of public libraries is almost universally in the hands of library boards. In the municipal library these boards are almost universally appointed by the mayor and confirmed by the council. Frequently the mayor himself is an *ex officio* member. There may be also other *ex officio* members. Sometimes the school superintendent will be a member *ex officio* of the municipal library board.

In the cities governed by the commission or city manager plan, the organization is effected under a special charter, the details of which do not appear in the state laws, and must necessarily have a special study. My understanding of this, however, is that in such cities the library, whether it be a municipal or city school-district library, forms a part of one of the divisions of the city's activities and is under one of the commissioners, a subordinate to the city manager.

School-district libraries are very generally governed by boards appointed by the board of education, though sometimes by the board of education directly.

The law defines the powers and duties of the library board. An invariable condition is that they serve without compensation. In many states the desirability of having women on the board is distinctly recognized by a statement that no one shall be ineligible by reason of sex, or in some cases by a definite requirement that a certain proportion of the board shall be women. I have never discovered a corresponding proviso as to men.

The form of organization is prescribed. Sometimes the secretary is a member of the board; frequently not; and sometimes it is prescribed that the librarian shall also be secretary of the board. The requirements as to the number of meetings and as to the number of members necessary to form a quorum are generally fixed. In both municipal and school-district libraries, there are limitations in the laws as to selection,—as, for instance, no member of

the appointing body shall be chosen. In one case it provides that no one who has been in the year past a member of the appointing body shall be appointed. The purpose of this law is evidently to prevent the council or the school board from offering to someone who may have failed of re-election a consolation prize in the shape of membership in the library board. In one state there is a definite prohibition of the appointment of book-sellers or publishers on the state library board.

Association and other proprietary libraries which are subsidized and made public are sometimes governed by a board appointed by the proprietary association. Sometimes the law requires that the library district which is taxed to support the library shall have a reasonable representation on the board. The county library is very generally under the direction of the county commissioners or supervisors by whom it is established.

Libraries may be established in most library districts at the initiative of the body to whom the authority is given by the statute,—in the municipality, the council or the mayor; in the school district, the board of education; in the county, the supervisors; in the township, the trustees. In some states the proposition to establish must be referred to the people at an election, for ratification, before action can be taken. Such action must be taken by the proper body upon the petition of either a specified number of citizens stated, or a percentage of the voting population. The law usually provides, in case it is submitted to the people, for putting up the question again, after a reasonable interval, if not successful at the first election,—and also provides for the discontinuance of the library when voted by the people in the same way. In a large majority of the states, however, the body given the authority by law to establish a library may do so on its own initiative, without reference to the people.

The initial expense of providing library equipment may be borne by direct current taxation, or it may be provided for by the

issue of bonds,—the limits of which as to amounts, time and rate of interest are generally prescribed. Special provision is made in one state for the receipt of subscriptions, a proportionate amount to be added by taxation. Provisions for the acceptance of gifts for the erection of library buildings are very general; and in some states adequate provision is made for the fulfillment of any contracts entered into in consideration of such gifts. In two or three states laws have been enacted providing for contracts with donors, in which Mr. Andrew Carnegie's name is mentioned. In a considerable number of states, laws have been enacted, very obviously to meet the ordinary conditions upon which the gifts of Mr. Carnegie and the Carnegie Corporation are made.

The maintenance of libraries is almost universally provided for by taxation. The amount of taxation is usually stated in terms of a percentage on the tax duplicate, the maximum being invariably given; and rarely a minimum also is provided; this maximum, however, is of little value as a guide to the amount of support received by the libraries of each state, as it is not only liable to be greatly reduced by the taxing body (except in a few cases where the minimum is provided), but for the further reason that the practices as to the valuation of property for purposes of taxation vary so greatly in different states and even in different parts of the same state,—in some states it being valued as nearly as possible at the amount of its real money value, and in some at a very small part of that value.

The maximum amount permitted to be levied in different states varies from two-tenths of a mill to two per cent; and obviously there is no such intentional variation in the amount intended to be levied, the larger levies being doubtless intended to be made upon a duplicate in which the property is valued at a small part of its actual value. The method of valuation is rather a matter of local practice than of statute,—although there are laws on some statute books which provide

definitely that property shall be valued at its true value in money.

The amount which may be raised by taxation is also limited, as are taxes for all other purposes, by any general tax-limiting laws which may exist in the various states.

Indirect methods of public support found in various states are: the appropriation of fines for violations of the general statutes; this is provided for in the constitution and enacted in the statutes of one state. In another state, the dog tax is appropriated for library use; in another, provision is made from the proceeds of a liquor license law.

The appointment of the library staff is, with very few exceptions, absolutely within the power of the library board, and apparently little attempt has been made by legislation to secure the appointment of qualified persons, this being almost invariably left to the discretion of the board. More definite requirements have been made which apply to the newest form of the public library,—the county library,—by the requirement of examinations for applicants held under the authority of the state. One state definitely requires that candidates for county library positions shall be graduates of a library school and have at least one year's experience. In one state the library commission may examine, grade and register librarians, in order to give library boards help in the selection of assistants. One state aims to prevent nepotism by definitely forbidding the appointment of relatives of any of the library board. One state definitely provides that women shall be eligible as librarians,—a seemingly unnecessary bit of legislation.

One of the most important current questions is the relation of the library staff to the civil service commission. This I have not been able to look into with any thoroughness; but I know that in two or three states at least the members of the staff of all public libraries are placed in the unclassified service and exempted from the authority of the civil service commission; in others, they are under the authority of the civil

service commission, although I understand that it can usually be arranged so that the questions may be prepared by those familiar with the needs of the library service and thus a better class of candidates be secured and the library authorities be less hampered in the appointment of the staff. The most serious inconvenience comes from the necessity which exists in some states, of appointing residents, thus preventing the appointment of specially qualified persons for particular positions. Teachers in the schools in some states at least secure exemption from the operation of the general civil service law, as they pass an examination specially provided by the authority of the state for teachers, which has thus equal standing in the eye of the law with the regular civil service examination. My own view of this matter is that the interests of the libraries in this respect will be best served by the establishment in each state of a system of examinations for candidates for library positions, under the management of the state library or some other state authority competent to do it, which would give those who passed a standing under the law which would exempt them from the authority of the general civil service commission.

The weakness of the position of the large libraries which have adequate examinations is that, though there may be no actual question as to the adequacy of the examinations, they are conducted voluntarily by the authorities of each library and have no legal standing.

In two states provision is made for an employees' retirement fund, to be supported partly by the staff of the library and partly from the public funds. I think something of this sort has also been done in some individual libraries outside of these states.

Occasionally, laws in various states provide for work for special classes, as, for instance, libraries for the use of farmers, or for the blind; in one state, special work to meet the needs of foreigners is provided for; in four states, separate libraries are provided for colored people, and, in some other states where no such laws exist, these

libraries are provided for by municipal provisions. In some states provisions are made for auditoriums and the conduct of lectures in connection with libraries; and in other states this is done without special authority of state law, by local action. In one state, gymnasiums are established in connection with libraries.

The legislatures in various states have endeavored to control the character of the books which should be purchased for libraries. A provision that sectarian religious books shall not be purchased is found in the laws of several states. In several states book-lists are prepared by state authority, especially for school libraries, and the purchase of books is limited to those contained in such lists. One state provides definitely that "Books so purchased shall be of a kind best suited to inform the mind and improve the character of the reader;" and the laws of several states contain similar generalizations.

Legislation to protect library property is found in many states. Penalties of fine up to five hundred dollars, and imprisonment up to, in one instance, three years in the penitentiary, are provided for wilful injury or stealing of library property. Similar penalties, though less serious, are provided in many states, for failure to return library books after due notice. Penalties are also provided for the failure on the part of the librarian to perform his duties; in one state in which the county sheriff is made librarian, ex officio, of the county library, he is to receipt for all books placed in his charge and to be fined ten dollars for each volume not found on the shelves; in order to make this more effective, the chancellor of the judicial district is directed to check up the books and enforce the penalty in case any are missing. In another state the librarian is punished as for a misdemeanor for permitting books to be issued except in strict conformity to the law. Much remarkable legislation stands on the statute books of various states, prescribing in detail the duties of librarians; in one case, it is made the librarian's duty to receive and label the books. In one

state, he is specifically directed to keep the books from "molding and mildewing," and in another to keep them "well bound in leather or in boards with leather back and corners."

The general work of the state provided for by law consists in maintaining state libraries, both general and special, and library commissions, usually so-called but in some states operated under other names. The state libraries are governed by a board, sometimes *ex officio*, sometimes appointed, usually by the governor with the consent of the senate, sometimes composed of both *ex officio* and appointed members. It usually has, as other library boards, the appointment of the staff and the general control of the library. The legislature, in placing the appointment of the library staff in the hands of the board, sometimes keeps a string tied to it, as, for instance, in the statutes of one western state it provides that the board shall appoint the state librarian, providing only that the present incumbent keep the position as long as he wants to. The state librarian very frequently has the distribution and exchange of public documents as one of his functions.

Work tending to promote library interests is carried on in most states by the state library commission under that name; in one state it is called the Public Library Committee; in other states the Board of Regents, the Department of Archives and History, the State Historical Commission and the Archaeological and Historical Commission perform similar functions and are recognized by the League of Library Commissions. They usually have both appointive and *ex officio* members. Some states require that women shall be represented on the State Library Commission. In one state the Federation of Women's Clubs is expected to nominate to the governor, and the governor has the right to appoint a woman member only from a list of three nominated to him by the women's clubs.

Perhaps the most important work of the library commission is the management of traveling libraries and library organization. In two states, I think, there is a special

commission to establish and manage the traveling libraries. I would, however, like to say that the work of the traveling libraries, it seems to me, is a permanent one. It has two functions; one is pioneer work, to introduce books, to make a place for the establishment of a permanent local library; the other is supplying special collections for students to local libraries. The first function ought sometime to be largely fulfilled; the second I think should be a permanent function of the traveling library.

Library organization work and library instruction is usually given as part of the work of the commission. The library work of the state of New York illustrates in a remarkable way what has so often been said, namely, that a poor, in this case we might say rather a meagre, law, executed by good people, is worth more than the best law executed by inefficient people. The authority for all the great work of the state—the library school, the traveling libraries, library extension and supervision, seems to be based on four or five lines which authorize the regents to give advice and instruction and to loan books; but these lines have been wisely and liberally and courageously construed and a great work built up.

The disparity between states which have active commissions and those which have not is notable, and this can scarcely be attributed to any other cause than the work of the commission, as in their prosperity, intelligence and interest in education the states I have in mind are practically on an equal basis, but states with active commissions which keep the library work keyed up have faithfully met their obligations to maintain the libraries provided, while others in which commissions have been less active have come far short of meeting such obligations.

To sum up, there are in some states well-drawn library laws but there is also a great body of library legislation which shows simply an interest in and an effort to establish libraries, but, very frequently, if not absolute ignorance, at best a limited knowledge, of library needs and conditions; and

consequently it is unsatisfactory. All the library legislation, which as I have said would fill several volumes, could well be condensed into a small compass for each state. As I have pointed out, they fail to meet the important needs, go entirely too much into detail, and are therefore hampering. It is important to have attention called to this condition, and to remedy it. I am hopeful that an important step has been taken in the appointment of a committee of the National Municipal League.

It seems quite possible to draft a law having the essential things for library efficiency which, with minor variations, would meet the needs of the county, the municipality and the school district and would provide for the adoption and maintenance of association and other libraries.

Much has been said at this meeting as to library income and the difficulty of securing an adequate support. Looking forward to future legislation, I believe that the logical course is also the politic and desirable one. The library should always be definitely rec-

ognized in law as a part of the educational, and not of the business, organization of the community. In cities in which schools are made a part of the municipal organization, as in commission-governed cities, it should of course be a part of the educational department. In the cities in which the schools are under a separate board, it should be classed with them either as a function of the Board of Education or, preferably, under an independent board. By this definite recognition as an educational institution, it will gain in dignity and is likely to be more willingly and adequately supported. If, as a city institution, it depends for its support upon an appropriation from the council, it comes in competition with the more material interests of the city and is likely to suffer thereby. If it can be recognized as definitely educational, as are the schools, and its support provided for separately from the business activities of the city, as is the support of the schools, it is less likely to suffer from political caprice or temporary stringency.

REPORTS OF SECRETARY, TREASURER, TRUSTEES OF ENDOWMENT FUNDS, AND COMMITTEES

SECRETARY'S REPORT

The Secretary begs to submit herewith the seventh annual report of work conducted at the executive offices since their establishment in Chicago.

Chicago headquarters.—It is with an exceptional sense of appreciation that we this year record our gratitude to the Chicago Public Library, board of directors and librarian, for their continued hospitality in housing the executive offices of the Association. During the past year that library has been consummating some long desired physical alterations and improvements, which involved the shifting and transfer of several departments and bases of activity. The remarkable growth of work throughout the system has placed space in the central building at a premium, and it would have been but natural for the

officers of the institution to inform the Association that they could no longer provide accommodations for our executive offices. Instead of this, however, when it became necessary for the library, in carrying out its scheme of readjustments, to repossess itself of the room on the fifth floor which the Association has occupied since September, 1909, the board and the librarian set aside a room on the second floor which is practically of the same floor space as the other, and which serves all our purposes equally well—in fact, in some respects even better. Into these new quarters we were moved early in January by the employees of the Chicago Public Library, the shelving rearranged and set up, light fixtures and window openings readjusted, and all without any expense to the Association whatever. As heretofore